

U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:18-cv-01846-VKD

Nye-Wilson v. U.S. Department of Education
Assigned to: Magistrate Judge Virginia K. DeMarchi
Cause: 05:552 Freedom of Information Act

Date Filed: 03/26/2018
Date Terminated: 12/21/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Carol Nye-Wilson

represented by **Carol Nye-Wilson**
P.O. Box 717
Felton, CA 95018
808-756-0936
PRO SE

V.

Defendant

U.S. Department of Education

represented by **Michael Thomas Pyle**
United States Attorney's Office
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San Jose, CA 95113
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/26/2018	<u>1</u>	COMPLAINT against U.S. Department of Education (Filing fee \$ 400. receipt #54611017435). Filed by Carol Nye-Wilson. Consent/Declination due by 4/9/2018. (Attachments: # <u>1</u> Civil Cover Sheet)(dhmS, COURT STAFF) (Filed on 3/26/2018) (Entered: 03/27/2018)
03/26/2018	<u>2</u>	Summons Issued as to U.S. Department of Education, U.S. Attorney and U.S. Attorney General (dhmS, COURT STAFF) (Filed on 3/26/2018) (Entered: 03/27/2018)
03/26/2018	<u>3</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 6/19/2018. Initial Case Management Conference set for 6/26/2018 01:30 PM in San Jose, Courtroom 2, 5th Floor. (Attachments: # <u>1</u> Standing Order)(dhmS, COURT STAFF) (Filed on 3/26/2018) (Entered: 03/27/2018)
04/16/2018	<u>4</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Carol Nye-Wilson. (dhmS, COURT STAFF) (Filed on 4/16/2018) (Entered: 04/17/2018)
04/16/2018	<u>5</u>	SUMMONS Returned Executed by Carol Nye-Wilson. U.S. Department of Education served on 4/3/2018, answer due 6/4/2018. (dhmS, COURT STAFF) (Filed on 4/16/2018) (Entered: 04/17/2018)
05/02/2018	<u>6</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by U.S. Department of Education.. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 5/2/2018) (Entered: 05/02/2018)
05/02/2018	<u>7</u>	ANSWER to Complaint by U.S. Department of Education. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 5/2/2018) (Entered: 05/02/2018)

06/04/2018	<u>8</u>	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Virginia K. DeMarchi for all further proceedings. Magistrate Judge Howard R. Lloyd no longer assigned to the case. Signed by Judge Executive Committee on 6/4/18. (cfeS, COURT STAFF) (Filed on 6/4/2018) (Additional attachment(s) added on 6/5/2018: # <u>1</u> Certificate/Proof of Service) (sp, COURT STAFF). (Entered: 06/05/2018)
06/06/2018		Reset Hearing re <u>3</u> Initial Case Management Scheduling Order with ADR Deadlines, Initial Case Management Conference set for 6/26/2018 01:30 PM in San Jose, Courtroom 2, 5th Floor before Magistrate Judge Virginia K. DeMarchi (pmc, COURT STAFF) (Filed on 6/6/2018) (Entered: 06/06/2018)
06/11/2018	<u>9</u>	ADR Clerk's Notice re: Non-Compliance with Court Order (ewh, COURT STAFF) (Filed on 6/11/2018) (Entered: 06/11/2018)
06/12/2018	<u>10</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/14/2018	<u>11</u>	CASE MANAGEMENT STATEMENT (<i>Defendant's Case Management Conference Statement</i>) filed by U.S. Department of Education. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 6/14/2018) (Entered: 06/14/2018)
06/14/2018	<u>15</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (dhmS, COURT STAFF) (Filed on 6/14/2018) (Entered: 06/20/2018)
06/14/2018	<u>16</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (dhmS, COURT STAFF) (Filed on 6/14/2018) (Entered: 06/20/2018)
06/18/2018	<u>12</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 6/18/2018) (Entered: 06/18/2018)
06/18/2018	<u>13</u>	ADR Remark: Because the Notice of Need for ADR Phone Conference was late-filed on June 18, 2018, the ADR Unit is unable to schedule an ADR Phone Conference in advance of the Case Management Conference on June 26, 2018. re <u>12</u> Notice of need of ADR Phone Conference (ADR L.R. 3-5 d) (af, COURT STAFF) (Filed on 6/18/2018) (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (Entered: 06/18/2018)
06/19/2018	<u>14</u>	RULE 26(F) and CASE MANAGEMENT STATEMENT; Certificate of Service filed by Carol Nye-Wilson. (Attachments: # <u>1</u> Envelope)(dhmS, COURT STAFF) (Filed on 6/19/2018) (Entered: 06/19/2018)
06/26/2018	<u>17</u>	Minute Entry for proceedings held before Magistrate Judge Virginia K DeMarchi: Initial Case Management Conference held on 6/26/2018. Hearing held. Court to issue written scheduling order. FTR Time: 1:50-1:58. Plaintiff Attorney: Carol Nye-Wilson, in pro se. Defendant Attorney: Michael Pyle. (This is a text-only entry generated by the court. There is no document associated with this entry.) (pmc, COURT STAFF) (Date Filed: 6/26/2018) (Entered: 06/26/2018)
06/26/2018	<u>18</u>	PDF with attached Audio File. Court Date & Time [6/26/2018 1:49:56 PM]. File Size [4144 KB]. Run Time [00:08:38]. (courtspeak). (Entered: 06/26/2018)
06/26/2018	<u>19</u>	CASE MANAGEMENT ORDER: Plaintiff's letter re document production due by 7/31/2018. Parties to confer by 8/14/2018. Parties to file Status Report by 8/28/2018. Signed by Magistrate Judge Virginia K. DeMarchi on 6/26/2018. (vkdlc2S, COURT STAFF) (Filed on 6/26/2018) (Entered: 06/26/2018)
06/26/2018	<u>20</u>	CERTIFICATE OF SERVICE re <u>19</u> Case Management Scheduling Order,, Set Deadlines/Hearings, (pmc, COURT STAFF) (Filed on 6/26/2018) (Entered: 06/26/2018)
08/27/2018	<u>21</u>	STATUS REPORT; Certificate of Service by Carol Nye-Wilson. (Attachments: # <u>1</u> Envelope)(dhmS, COURT STAFF) (Filed on 8/27/2018) (Entered: 08/27/2018)
08/28/2018	<u>22</u>	STATUS REPORT by U.S. Department of Education. (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 8/28/2018) (Entered: 08/28/2018)

09/05/2018	<u>23</u>	FURTHER CASE MANAGEMENT ORDER. Signed by Magistrate Judge Virginia K. DeMarchi on 9/5/2018. (vkdlc2S, COURT STAFF) (Filed on 9/5/2018) (Entered: 09/05/2018)
09/05/2018	<u>24</u>	CERTIFICATE OF SERVICE re <u>23</u> Case Management Scheduling Order (pmc, COURT STAFF) (Filed on 9/5/2018) (Entered: 09/05/2018)
10/26/2018	<u>25</u>	MOTION to Compel Production; Memorandum of Points and Authorities in Support Thereof filed by Carol Nye-Wilson. Motion Hearing set for 12/4/2018 10:00 AM in San Jose, Courtroom 2, 5th Floor before Magistrate Judge Virginia K DeMarchi. Responses due by 11/9/2018. Replies due by 11/16/2018. (dhnS, COURT STAFF) (Filed on 10/26/2018) (Entered: 10/26/2018)
10/26/2018	<u>26</u>	Declaration of Carol Nye-Wilson in Support of <u>25</u> MOTION to Compel Production filed by Carol Nye-Wilson. (Related document(s) <u>25</u>) (dhnS, COURT STAFF) (Filed on 10/26/2018) (Entered: 10/26/2018)
10/26/2018	<u>27</u>	Proposed Order re <u>25</u> MOTION to Compel Production by Carol Nye-Wilson. (dhnS, COURT STAFF) (Filed on 10/26/2018) (Entered: 10/26/2018)
10/26/2018	<u>28</u>	CERTIFICATE OF SERVICE by Carol Nye-Wilson re <u>25</u> MOTION to Compel, <u>26</u> Declaration in Support, <u>27</u> Proposed Order (dhnS, COURT STAFF) (Filed on 10/26/2018) (Entered: 10/26/2018)
11/09/2018	<u>29</u>	OPPOSITION/RESPONSE (re <u>25</u> MOTION to Compel) filed by U.S. Department of Education. (Attachments: # <u>1</u> Declaration of Valerie Lefor, # <u>2</u> Declaration of Ann Marie Pedersen, # <u>3</u> Declaration of Chuck Mula, # <u>4</u> Declaration of Michael Pyle w Exhs 1&2, # <u>5</u> Proposed Order, # <u>6</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 11/9/2018) (Entered: 11/09/2018)
11/16/2018	<u>30</u>	RESPONSE to Defendants' Opposition to (<u>25</u> MOTION to Compel) filed by Carol Nye-Wilson. (dhnS, COURT STAFF) (Filed on 11/16/2018) (Entered: 11/16/2018)
11/16/2018	<u>31</u>	Declaration of Carol Nye-Wilson in Support of <u>30</u> Response to Opposition to Compel filed by Carol Nye-Wilson. (Related document(s) <u>30</u>) (dhnS, COURT STAFF) (Filed on 11/16/2018) (Entered: 11/16/2018)
11/16/2018	<u>32</u>	Declaration of Randy Chapel in Support of <u>30</u> Response to Opposition to Compel filed by Carol Nye-Wilson. (Related document(s) <u>30</u>) (dhnS, COURT STAFF) (Filed on 11/16/2018) (Entered: 11/16/2018)
11/16/2018	<u>33</u>	CERTIFICATE OF SERVICE by Carol Nye-Wilson re <u>31</u> Declaration in Support, <u>30</u> Response to Opposition, <u>32</u> Declaration in Support (dhnS, COURT STAFF) (Filed on 11/16/2018) (Entered: 11/16/2018)
12/04/2018	<u>34</u>	Minute Entry for proceedings held before Magistrate Judge Virginia K. DeMarchi: Motion Hearing held on 12/4/2018. re <u>25</u> MOTION to Compel filed by Carol Nye-Wilson Parties present arguments. Motion taken under submission. Court to issue written order and Summary Judgment Motion schedule. FTR Time: 10:07–10:27. Plaintiff Attorney: Carol Nye-Wilson, in pro se. Defendant Attorney: Michael Pyle. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (pmc, COURT STAFF) (Date Filed: 12/4/2018) (Entered: 12/04/2018)
12/04/2018	<u>35</u>	PDF with attached Audio File. Court Date & Time [12/4/2018 10:07:06 AM]. File Size [9680 KB]. Run Time [00:20:10]. (courtspeak). (Entered: 12/04/2018)
12/04/2018	<u>36</u>	ORDER Setting Summary Judgment Briefing Schedule. Plaintiff's opening motion due by 1/11/2019. Defendant's response due by 1/25/2019. Plaintiff's reply due by 2/1/2019. Defendant's sur-reply due by 2/8/2019. Motion Hearing set for 3/5/2019 10:00 AM in San Jose, Courtroom 2, 5th Floor before Magistrate Judge Virginia K. DeMarchi. Signed by Magistrate Judge Virginia K. DeMarchi on 12/4/2018. (vkdlc2S, COURT STAFF) (Filed on 12/4/2018) (Additional attachment(s) added on 12/5/2018: # <u>1</u> Certificate/Proof of Service) (pmcS, COURT STAFF). (Entered: 12/04/2018)

12/10/2018	<u>37</u>	NOTICE by U.S. Department of Education <i>Defendant's Notice of Plaintiff's Request That Her Case Be Dismissed Without Prejudice</i> (Attachments: # <u>1</u> Certificate/Proof of Service)(Pyle, Michael) (Filed on 12/10/2018) (Entered: 12/10/2018)
12/10/2018	<u>38</u>	ORDER re Email Communication from Plaintiff. Signed by Magistrate Judge Virginia K. DeMarchi on 12/10/2018. (vkdlc2S, COURT STAFF) (Filed on 12/10/2018) (Additional attachment(s) added on 12/11/2018: # <u>1</u> Certificate/Proof of Service) (pmcS, COURT STAFF). (Entered: 12/10/2018)
12/12/2018	<u>39</u>	Letter dated 12/6/2018 from Carol Nye-Wilson. (Attachments: # <u>1</u> Envelope)(dhmS, COURT STAFF) (Filed on 12/12/2018) (Entered: 12/12/2018)
12/14/2018	<u>40</u>	MOTION Requesting an Order of Dismissal without Prejudice; Proposed Order filed by Carol Nye-Wilson. Responses due by 12/28/2018. Replies due by 1/4/2019. (dhmS, COURT STAFF) (Filed on 12/14/2018) (Entered: 12/14/2018)
12/20/2018	<u>41</u>	Statement of Non–Opposition re <u>40</u> MOTION Requesting an Order of Dismissal without Prejudice filed by U.S. Department of Education. (Attachments: # <u>1</u> Certificate/Proof of Service)(Related document(s) <u>40</u>) (Pyle, Michael) (Filed on 12/20/2018) (Entered: 12/20/2018)
12/21/2018	<u>42</u>	ORDER by Magistrate Judge Virginia K. DeMarchi granting <u>40</u> plaintiff's Motion for an Order of Dismissal. (vkdlc2S, COURT STAFF) (Filed on 12/21/2018) (Additional attachment(s) added on 12/21/2018: # <u>1</u> Certificate/Proof of Service) (pmcS, COURT STAFF). (Entered: 12/21/2018)